

§Appl. No. 10/676,048
Amdt. dated June 12, 2006
Reply to Office Action of, March 10, 2006

REMARKS/ARGUMENTS

Applicant expresses his sincere appreciation for the indication of allowable subject matter in claim 4. After reviewing the newly cited prior art, Applicant is of the opinion that the remaining rejected claims 1, 3, 7, 8, 10-16, 21, 22 and 23 patentably distinguish over the newly cited art and respectfully requests that rejections based on the newly cited art be withdrawn.

Claim Rejections Under 35 U.S.C. §102:

Claims 1, 3, 7, 8, 10-16 and 21-23 have been rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent 6,055,782 to Morton et al. Applicant respectfully traverses this rejection.

Applicant's single independent claim 1 is directed to "a window sleeve arrangement independent of a window unit for positioning a window unit in an opening through a building wall having an exterior surface and an interior surface." In claim 1, the window unit is defined as "a window frame surrounding at least one glass pane. As is seen in Fig. 1, the window unit may be a double hung window in which glass panes 24 and 28 are mounted in sashes 26 and 30, respectively, which sashes may slide within the window frame 32. As clearly seen in Fig. 1, the claimed sleeve arrangement 10 defines a rectangular structure having a rectangular opening 31 therein which receives the window unit 12. Morton et al. discloses only a window unit. There is no disclosure of a window sleeve in Morton et al. for receiving a window unit.

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The Examiner's attention is directed to reference numerals 61 and 62 shown in Figs. 1 and 2 of Morton et al. and described in column 3, lines 14-17 and 57. Note that reference numeral 61 refers to a "sash member" and reference numeral 62 refers to a "sash frame." These sash elements enclose a glass unit 63 having panes 64. The remainder of the unit is the sash 25 shown in Fig. 1 and the jam members 110 shown in Fig. 2. Together, these components form a window unit similar to Applicant's window unit 12 of Fig. 1, which window unit 12 is comprised of the window panes 24 and 28, the window sashes 26 and 30 and the window frame 22.

Clearly in Morton et al. '782 there is no structure corresponding to Applicant's claimed window sleeve arrangement 10. In Morton et al., the horizontal sill 25 forms the bottom of the window frame and a corresponding horizontal frame member (not shown) forms the top of the window frame. The side jams 110 of Morton et al. are affixed directly by nails 41 in the flange 38, which flange 38 is clearly part of both the window sill and window jam structure. Clearly in Morton et al. '782, a window sleeve arrangement is not shown, rather the window unit is nailed or screwed directly to the opening through a building instead of being slid into a window sleeve arrangement such as that claimed by Applicant.

Since in Morton et al. '782 the window unit is secured directly to the opening instead of being secured to a sleeve within the opening, the rejection under 35 U.S.C. §102(b) is improper because every element recited in claim 1 does not occur in a single reference. The only element which occurs in Morton et al. '782 is a "window unit", no window sleeve arrangement being present.

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Dependent claims 3,7,8, 10-16 and 21-23 each further limit independent claim 1 from which they depend. Accordingly, the dependent claims distinguish over Morton et al. '782 for the same reasons as independent claim 1.

Claims 1, 3, 7, 8, 11-15 and 21-23 have been rejected under 35 U.S.C. §102(b) as being clearly anticipated by U.S. Patent 6,334,283 to Edgar. Applicant respectfully traverses this rejection.

Edgar '283 fails to anticipate Applicant's independent claim 1 for the same reason that Morton et al. '782 fails to anticipate independent claim 1, i.e., Edgar '283 fails to disclose a window sleeve arrangement which receives an entire window made up of a frame, window panes and sashes.

It is clear that the frame F1 of Fig. 1 and the frame F2 of Fig. 2 of Morton et al. correspond to Applicant's window frame 22 of Applicant's Fig. 1. There is no structure whatsoever in Edgar which corresponds to Applicant's claimed sleeve arrangement. Rather, the structure which the Examiner equates to Applicant's sleeve arrangement is the frame 22 of Fig. 1, which is also identified by the reference numeral 22 in Fig. 2 or 22' in Fig. 7.

Applicant has attached hereto, as Exhibit A, copies of Applicant's Figs. 1, 2, 5 and 7 in which the frame that is part of the claimed "window unit" is shown shaded in red with the claimed window sleeve arrangement shaded in blue. When one compares the Applicant's figures to Edgar '283, it is seen that Edgar '283 includes no blue (i.e., window sleeve) structure, only red frame structure with a sash shaded yellow and glass shaded green. It is also seen that Morton et al. '782 has no blue sleeve structure, but only red frame structure with yellow sash and green glass structure.

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Neither Edgar nor Morton et al. provide structure that solves the following problem set forth in Background of the Invention:

Quickly and conveniently mounting framed windows within a wall of an enclosure, such as the exterior wall of a building, is a task which needs improvement because installing windows is a labor intensive undertaking which involves considerable expense. Moreover, installing windows requires a level of skill that many installers lack, so that windows are improperly installed resulting in leaks wherein, not only water, but air passes between the window frame and opening through the wall in which the window is mounted. Leaks not only compromise the thermal efficiency of buildings, but also can result in water damage within buildings and to building walls, which damage over time can be very expensive to repair.

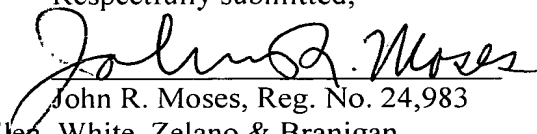
By providing the window sleeve recited in independent claim 1 and in its remaining dependent claims, Applicant achieves a solution to the problem of quickly and conveniently mounting framed windows within a wall of an enclosure.

In that this is a full and complete response to the Office Action of March 10, 2006, this application is now in condition for allowance. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned locally.

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The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John R. Moses", is written over a horizontal line.

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